

1 A bill to be entitled
2 An act relating to criminal offenders; creating s.
3 775.32, F.S.; providing definitions; authorizing
4 sheriffs to assess fees for registering and
5 reregistering specified types of offenders subject to
6 registration requirements; specifying maximum fees;
7 providing requirements for use of fees; providing for
8 relocation of registrants; providing criminal
9 penalties; amending s. 794.0115, F.S., creating
10 designation of "serious sexual felony offender;"
11 providing an additional mandatory term of imprisonment
12 for specified offenses committed by serious sexual
13 felony offenders; amending ss. 943.0435 and 944.606,
14 F.S.; revising the definition of "sexual offender" to
15 include persons convicted of a specified prostitution-
16 related offense; amending s. 948.001, F.S.; revising
17 definition of "sex offender probation" or "sex
18 offender community control" to include cross-reference
19 to s. 948.30, F.S.; amending s. 948.30, F.S.; applying
20 additional conditions for sex offender probation and
21 community control to certain offenders who commit
22 qualifying offenses after a specified date; providing
23 that such conditions need not be pronounced orally at
24 the time of sentencing; providing that such conditions
25 may be applied to other relevant offenders; requiring
26 that conditions be orally pronounced when applied to

27 other relevant offenders; requiring that such
 28 offenders be supervised by certain Department of
 29 Corrections officers; providing for severability;
 30 providing an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. Section 775.32, Florida Statutes, is created to
 35 read:

36 775.32 Offender registration fees.—

37 (1) As used in this section, the term:

38 (a) "Career offender" means an offender that qualifies for
 39 registration under s. 775.261.

40 (b) "Convicted felon" means an offender that qualifies for
 41 registration under s. 775.13.

42 (c) "Sexual offender" means an offender who is designated
 43 as a sexual offender that qualifies for registration under s.
 44 943.0435.

45 (d) "Sexual predator" means an offender designated as a
 46 sexual predator that qualifies for registration under s. 775.21.

47 (e) "Registration year" means the 12-month period
 48 beginning on the first day of the offender's birth month.

49 (2) The sheriff of each county may charge registration
 50 fees for sexual predators, sexual offenders, career offenders,
 51 and convicted felons for the initial registration,
 52 reregistration, and registration updates with that sheriff.

53 Annual fees during a registration year may not exceed \$200 per
 54 sexual predator, \$100 per sexual offender, \$50 per career
 55 offender, or \$25 per felony offender. If an individual is
 56 required to register for multiple categories, only the highest
 57 fee shall be imposed.

58 (3) The sheriff may not refuse to register a person,
 59 register a new residence address of a person, or verify the
 60 current residence address of a person, who does not pay a fee
 61 required under this section.

62 (4) Each sexual predator, sexual offender, career
 63 offender, or convicted felon required to register and pay a fee
 64 as provided under this section shall remit payment when the
 65 person reports to the sheriff's office in the county in which
 66 the person resides or is otherwise located.

67 (5) All funds retained by the sheriff pursuant to this
 68 section shall be credited to a special fund of the sheriff's
 69 office which shall be used solely for law enforcement and
 70 criminal prosecution purposes and which may not be used as a
 71 source of revenue to reduce the amount of funding otherwise made
 72 available to the sheriff's office.

73 (6) The sheriff may waive the registration or
 74 reregistration fee under this section for a person who
 75 demonstrates indigency. The sheriff shall document any waiver or
 76 alternative fee arrangement in the official registration records
 77 of the sheriff's office and shall provide the person with a
 78 written copy of any waiver or alternative fee arrangement.

79 (7) If a person has registered with a sheriff during a
 80 registration year and subsequently relocates to a different
 81 county prior to the conclusion of the registration year, the
 82 annual maximum amounts set forth in subsection (2) apply to the
 83 sheriff of the county of relocation. The sheriff of the county
 84 of relocation shall include any payments already made by the
 85 person during the registration year for purposes of determining
 86 when the applicable maximum has been met.

87 (8) If, after the court makes a finding that the person
 88 has the ability to pay, the person knowingly fails to pay a
 89 registration fee as required in this section, the person commits
 90 a misdemeanor of the second degree, punishable as provided in s.
 91 775.082 or s. 775.083. This subsection does not apply if the
 92 registration fee is waived under subsection (6).

93 Section 2. Subsection (1) of section 794.0115, Florida
 94 Statutes is amended, a new subsection (6) is added to that
 95 section, and present subsections (6) and (7) are renumbered as
 96 subsections (7) and (8), respectively, to read:

97 794.0115 Dangerous and serious sexual felony offenders
 98 ~~offender~~; mandatory sentencing.-

99 (1) This section may be cited as the "Dangerous and
 100 Serious Sexual Felony Offenders ~~Offender~~ Act."

101 (6) Any person who is designated as a sexual predator
 102 under s. 775.21, or designated as a sexual offender under ss.
 103 943.0435 or 944.606, or who has a similar designation or is
 104 subject to similar registration requirements under the laws of a

105 another jurisdiction, who commits, on or after October 1, 2016,
 106 a felony violation, or an attempt thereof, of s. 393.135(2); s.
 107 394.4593(2); s. 787.01 or s. 787.02, where the victim is a
 108 minor; s. 787.06(3)(b), (d), (f), or (g); s. 794.05; s.
 109 810.145(8)(b); s. 847.0133; s. 847.0135, excluding s.
 110 847.0135(6); s. 916.1075(2); or s. 985.701(1),

111
 112 is a serious sexual felony offender, who must be sentenced to a
 113 mandatory minimum term of 10 years imprisonment.

114 (7)-(6) Notwithstanding s. 775.082(3), chapter 958, any
 115 other law, or any interpretation or construction thereof, a
 116 person subject to sentencing under this section must be
 117 sentenced to the mandatory term of imprisonment provided under
 118 this section. If the mandatory minimum term of imprisonment
 119 imposed under this section exceeds the maximum sentence
 120 authorized under s. 775.082, s. 775.084, or chapter 921, the
 121 mandatory minimum term of imprisonment under this section must
 122 be imposed. If the mandatory minimum term of imprisonment under
 123 this section is less than the sentence that could be imposed
 124 under s. 775.082, s. 775.084, or chapter 921, the sentence
 125 imposed must include the mandatory minimum term of imprisonment
 126 under this section.

127 (8)-(7) A defendant sentenced to a mandatory minimum term
 128 of imprisonment under this section is not eligible for statutory
 129 gain-time under s. 944.275 or any form of discretionary early
 130 release, other than pardon or executive clemency, or conditional

131 medical release under s. 947.149, before serving the minimum
 132 sentence.

133 Section 3. Paragraph (a) of subsection (1) of section
 134 943.0435, Florida Statutes, is amended to read:

135 943.0435 Sexual offenders required to register with the
 136 department; penalty.—

137 (1) As used in this section, the term:

138 (a)1. "Sexual offender" means a person who meets the
 139 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 140 subparagraph c., or sub-subparagraph d., as follows:

141 a.(I) Has been convicted of committing, or attempting,
 142 soliciting, or conspiring to commit, any of the criminal
 143 offenses proscribed in the following statutes in this state or
 144 similar offenses in another jurisdiction: s. 393.135(2); s.
 145 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 146 the victim is a minor and the defendant is not the victim's
 147 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 148 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 149 former s. 796.03; former s. 796.035; s. 796.05; s. 800.04; s.
 150 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 151 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 152 s. 916.1075(2); or s. 985.701(1); or any similar offense
 153 committed in this state which has been redesignated from a
 154 former statute number to one of those listed in this sub-sub-
 155 subparagraph; and

156 (II) Has been released on or after October 1, 1997, from

157 the sanction imposed for any conviction of an offense described
 158 in sub-sub-subparagraph (I). For purposes of sub-sub-
 159 subparagraph (I), a sanction imposed in this state or in any
 160 other jurisdiction includes, but is not limited to, a fine,
 161 probation, community control, parole, conditional release,
 162 control release, or incarceration in a state prison, federal
 163 prison, private correctional facility, or local detention
 164 facility;

165 b. Establishes or maintains a residence in this state and
 166 who has not been designated as a sexual predator by a court of
 167 this state but who has been designated as a sexual predator, as
 168 a sexually violent predator, or by another sexual offender
 169 designation in another state or jurisdiction and was, as a
 170 result of such designation, subjected to registration or
 171 community or public notification, or both, or would be if the
 172 person were a resident of that state or jurisdiction, without
 173 regard to whether the person otherwise meets the criteria for
 174 registration as a sexual offender;

175 c. Establishes or maintains a residence in this state who
 176 is in the custody or control of, or under the supervision of,
 177 any other state or jurisdiction as a result of a conviction for
 178 committing, or attempting, soliciting, or conspiring to commit,
 179 any of the criminal offenses proscribed in the following
 180 statutes or similar offense in another jurisdiction: s.
 181 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 182 787.025(2)(c), where the victim is a minor and the defendant is

183 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 184 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 185 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 186 796.05; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
 187 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 188 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
 189 similar offense committed in this state which has been
 190 redesignated from a former statute number to one of those listed
 191 in this sub-subparagraph; or

192 d. On or after July 1, 2007, has been adjudicated
 193 delinquent for committing, or attempting, soliciting, or
 194 conspiring to commit, any of the criminal offenses proscribed in
 195 the following statutes in this state or similar offenses in
 196 another jurisdiction when the juvenile was 14 years of age or
 197 older at the time of the offense:

198 (I) Section 794.011, excluding s. 794.011(10);

199 (II) Section 800.04(4)(a)2. where the victim is under 12
 200 years of age or where the court finds sexual activity by the use
 201 of force or coercion;

202 (III) Section 800.04(5)(c)1. where the court finds
 203 molestation involving unclothed genitals; or

204 (IV) Section 800.04(5)(d) where the court finds the use of
 205 force or coercion and unclothed genitals.

206 2. For all qualifying offenses listed in sub-subparagraph
 207 (1)(a)1.d., the court shall make a written finding of the age of
 208 the offender at the time of the offense.

209
 210 For each violation of a qualifying offense listed in this
 211 subsection, except for a violation of s. 794.011, the court
 212 shall make a written finding of the age of the victim at the
 213 time of the offense. For a violation of s. 800.04(4), the court
 214 shall also make a written finding indicating whether the offense
 215 involved sexual activity and indicating whether the offense
 216 involved force or coercion. For a violation of s. 800.04(5), the
 217 court shall also make a written finding that the offense did or
 218 did not involve unclothed genitals or genital area and that the
 219 offense did or did not involve the use of force or coercion.

220 Section 4. Paragraph (b) of subsection (1) of section
 221 944.606, Florida Statutes, is amended to read:

222 944.606 Sexual offenders; notification upon release.—

223 (1) As used in this section:

224 (b) "Sexual offender" means a person who has been
 225 convicted of committing, or attempting, soliciting, or
 226 conspiring to commit, any of the criminal offenses proscribed in
 227 the following statutes in this state or similar offenses in
 228 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 229 s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and~~
 230 the defendant is not the victim's parent or guardian; s.
 231 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 232 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 233 former s. 796.035; s. 796.05; s. 800.04; s. 810.145(8); s.
 234 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.

235 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 236 916.1075(2); or s. 985.701(1); or any similar offense committed
 237 in this state which has been redesignated from a former statute
 238 number to one of those listed in this subsection, when the
 239 department has received verified information regarding such
 240 conviction; an offender's computerized criminal history record
 241 is not, in and of itself, verified information.

242 Section 5. Subsection (13) of section 948.001, Florida
 243 Statutes, is amended to read:

244 948.001 Definitions.—As used in this chapter, the term:

245 (13) "Sex offender probation" or "sex offender community
 246 control" means a form of intensive supervision ordered pursuant
 247 to s. 948.30, with or without electronic monitoring, which
 248 emphasizes treatment and supervision of a sex offender in
 249 accordance with an individualized treatment plan administered by
 250 an officer who has a restricted caseload and specialized
 251 training. An officer who supervises an offender placed on sex
 252 offender probation or sex offender community control must meet
 253 as necessary with a treatment provider and polygraph examiner to
 254 develop and implement the supervision and treatment plan, if a
 255 treatment provider and polygraph examiner specially trained in
 256 the treatment and monitoring of sex offenders are reasonably
 257 available.

258 Section 6. A new subsection (1) is added to section
 259 948.30, Florida Statutes, current subsections (1) through (5)
 260 are renumbered as subsections (2) through (6), respectively, and

261 subsections (7) and (8) are created, to read:

262 948.30 Additional terms and conditions of probation or
 263 community control for certain sex offenses.—

264 (1)(a) Except as provided in paragraph (b), conditions
 265 imposed pursuant to this section do not require oral
 266 pronouncement at the time of sentencing and shall be considered
 267 standard conditions of probation or community control for
 268 offenders specified in this section.

269 (b) An offender who is placed on probation or community
 270 control for an offense that does not require additional
 271 conditions of probation under subsection (1), subsection (2),
 272 subsection (3), subsection (4), or subsection (5) may be
 273 required by the sentencing court to comply with any of the
 274 special conditions of this section if a review of the record
 275 supports a finding that the offense had a sexual component or
 276 motivation and the court makes such finding. Conditions imposed
 277 by a court in accordance with this paragraph require oral
 278 pronouncement.

279 (7) Effective for a probationer or community controllee
 280 whose crime was committed on or after October 1, 2016, who is
 281 designated as a sexual offender or sexual predator at the time
 282 of such offense, and who is placed on probation or community
 283 control for committing a qualifying offense requiring
 284 registration under ss. 775.21, 943.0435, or 944.606, the court
 285 shall impose all the special conditions of probation described
 286 in subsections (1) through (5).

287 (8) Probationers and community controllees subject to this
288 section must be supervised by the Department of Corrections with
289 probation officers who have a caseload of no more than 30
290 offenders. The probation officers should be trained in sexual
291 offender issues and the operation of electronic monitoring and
292 global tracking.

293 Section 7. If any provision of this act or its application
294 to any person or circumstance is held invalid, the invalidity
295 does not affect other provisions or applications of this act
296 which can be given effect without the invalid provision or
297 application, and to this end, the provisions of this act are
298 severable.

299 Section 8. This act shall take effect October 1, 2016.